

REMARKS

Claims 39, 42-45 and 57-69 are pending in the present application. Claims 1-38, 40-41 and 46-56 have been cancelled. Claims 39, 57, 61 and 66 have been amended. Claims 39, 57, 61 and 66 are independent claims.

SUMMARY OF INTERVIEW

The undersigned extends his appreciation to the Examiner for the time and consideration given at the interview dated January 11, 2010. During the interview, Applicant's representative addresses the proposed amendments and distinguished the amended claims from the art of record. The Examiner inquired as to the express support in the specification for the amendments (as proposed). Applicant agreed to review the application for express support to further consider the proposed amendments and the Examiner's request for express support for certain limitations. No agreement was reached concerning allowable subject matter.

Claim Rejections – 35 U.S.C. § 103

Claims 39, 57, 61 and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,848,217 to Tsukagoshi et al. ("Tsukagoshi") in view of U.S. Patent 7,174,560 to Crinon et al. ("Crinon"). Reconsideration of these rejections as they may apply to the amended claims is respectfully requested.

According to the Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the

prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

Claim 39 has been amended to recite that the method for reproducing video data in synchronization with test-based subtitle data includes a system time base of the video data being defined by the program clock reference (PCR), and the system time base of the text-based subtitle data not being defined by the program clock reference (PCR), an initial value of the system time base of the text-based subtitle data being defined by a start presentation time stamp (PTS) of first text unit in the text-based subtitle data, and initial presentation time stamp (PTS) of the text-based subtitle data being identical to or greater than the initial presentation time stamp (PTS) of the video data when the text-based subtitle data is to be reproduced in synchronization with the video data using the presentation time stamp (PTS) of the video data and the presentation time stamp (PTS) of the text-based subtitle data. Support for these Amendments may be found, in part, at Paragraphs [0034] through [0036] of the Application as filed. Similar language has also been added to the apparatus of claim 57, method for recording video data with text-based subtitle data recited in claim 61 and the apparatus of claim 66.

In contrast to the amended claims Tsukagoshi does not teach nor otherwise suggest "an initial value of the system time base of the text-based subtitle data being defined by a **start presentation time stamp (PTS) of the first text unit** in the text-based subtitle data, and initial presentation time stamp (PTS) of the text-based subtitle data being **identical to or greater than** the initial presentation time stamp (PTS) of the video data when the text-based subtitle data is to be reproduced in **synchronization with** the video data using the presentation time stamp (PTS) of the video data and the presentation time stamp (PTS) of the text-based subtitle data." An important aspect of the disclosed methods and apparatus is synchronizing between

the video and the text data. Therefore, the initial value of system time base of the text data is identical to the initial value of system time base of the video data.

The Examiner asserts that Tsukagoshi teaches that displaying the text-based data synchronized with the video data using the presentation time stamp (PTS) of the video data and text data read from the recording medium. However at col. 8 lines 49-65, Tsukagoshi only states “synchronizing clock of the SCR is aligned with the PTS” and “this is caused by the video decoding”, but does not state the relation between the video and text data, and the same initiation between the text and the video data as recited in the amended claims.

Crinon is cited by the Examiner to cure the deficiencies in Tsukagoshi as teaching that reading video data including presentation time stamp (PTS) and program clock reference (PCR) from a recording medium, and that the text-based data not including the program clock reference (PCR). However a careful review of column 8, lines 10-30 and column 7, line 63 – column 8, line 9 of the reference shows that Crinon does not teach “reading **text-based** data with second system time base including the presentation time stamp (PTS) from a recording medium but **not including the program clock reference (PCR)**” as recited in claim 1, as well as in other independent claims.

The Claims expressly recite that the text subtitle data does not include PCR. However, Crinon only states that “the samples (PCRs) are included in transport data packets (typically the transport data packets for the video element)” and does not state the text data not including the PCRs. See column 7, line 63 – column 8, line 9.

Claims 42-45, 58-60, 62-65, and 67-69 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsukagoshi and Crinon as applied to claims 39, 57, 61 and 66 and further in view of U.S. Patent Publication 2004/0081434 to Jung et al. (“Jung”).

The Applicant notes that claims 42-45, 58-60, 62-65 and 67-69 are dependent upon one of the independent claims 39, 57, 61, or 66 described above. Because the independent claims are patentable over the cited references for the reasons set forth the Applicant respectfully asserts that dependent claims 42-45, 50-60, 62-65 and 67-69 are patentable at least by reason of their dependency and requests that the rejections under 35 U.S.C. 103(a) of these claims be removed.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 39, 42-45 and 57-69 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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